

SENATE BILL No. 232

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-8-10-21.

Synopsis: Use of money in the jail commissary fund. Provides that money in the jail commissary fund may be disbursed upon appropriation by the county fiscal body. (Current law allows such money to be disbursed without appropriation.) Deletes a provision in current law specifying that certain money from the jail commissary fund must be supplemental or in addition to, rather than a replacement for, regular appropriations. Provides that expenditures from the jail commissary fund for animals may be made only for law enforcement animals. Specifies that the county treasurer, rather than the sheriff, maintains the fund in a designated depository.

Effective: July 1, 2015.

Smith J

January 6, 2015, read first time and referred to Committee on Local Government.



First Regular Session 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

SENATE BILL No. 232

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 36-8-10-21, AS AMENDED BY P.L.216-2007,
2 SECTION 55, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 21. (a) This section applies to any county that has
4 a jail commissary that sells merchandise to inmates.
5 (b) A jail commissary fund is established, referred to in this section
6 as "the fund". The fund is separate from the general fund, and money
7 in the fund does not revert to the general fund.
8 (c) The sheriff, or the sheriff's designee, shall deposit all money
9 from commissary sales into the fund. ~~which the sheriff or the sheriff's~~
10 ~~designee~~ **The county treasurer** shall keep **the fund** in a depository
11 designated under IC 5-13-8.
12 (d) The sheriff, or the sheriff's designee, at the sheriff's or the
13 sheriff's designee's discretion, ~~and without~~ **upon** appropriation by the
14 county fiscal body, may disburse money from the fund for:
15 (1) merchandise for resale to inmates through the commissary;
16 (2) expenses of operating the commissary, including, but not



limited to, facilities and personnel;

(3) special training in law enforcement for employees of the sheriff's department;

(4) equipment installed in the county jail;

(5) equipment, including vehicles and computers, computer software, communication devices, office machinery and furnishings, cameras and photographic equipment, **law enforcement** animals, **law enforcement** animal training, holding and feeding equipment and supplies, or attire used by an employee of the sheriff's department in the course of the employee's official duties;

(6) an activity provided to maintain order and discipline among the inmates of the county jail;

(7) an activity or program of the sheriff's department intended to reduce or prevent occurrences of criminal activity, including the following:

(A) Substance abuse.

(B) Child abuse.

(C) Domestic violence.

(D) Drinking and driving.

(E) Juvenile delinquency;

(8) expenses related to the establishment, operation, or maintenance of the sex and violent offender registry web site under IC 36-2-13-5.5; or

(9) any other purpose that benefits the sheriff's department that is mutually agreed upon by the county fiscal body and the county sheriff.

~~Money disbursed from the fund under this subsection must be supplemental or in addition to; rather than a replacement for, regular appropriations made to carry out the purposes listed in subdivisions (1) through (8):~~

(e) The sheriff shall maintain a record of the fund's receipts and disbursements. The state board of accounts shall prescribe the form for this record. The sheriff shall semiannually provide a copy of this record of receipts and disbursements to the county fiscal body. The semiannual reports are due on July 1 and December 31 of each year.

